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OFFICE OF PETITIONS

In re Application of :
Masamichi Ito et al. : DECISION ON PETITION
Application No. 09/903,706 :
Filed: July 13, 2001 :
Atty Docket No. 35.C12551 DI :

This is a decision on the SECOND PETITION UNDER 37 C.F.R. § 1.182 TO CORRECT APPLICATION PAPERS IN USPTO FILE, filed February 8, 2005. Applicants petition to replace the application papers in the file of the U.S. Patent and Trademark Office for the above-identified application with the correct application papers.

The petition is GRANTED to the extent indicated herein.

On July 13, 2001, application papers were deposited in the above-identified application. Among the application papers was a copy of a co-pending application (specification, claims and drawings), which was not marked as a copy.

By Office action mailed June 16, 2003, applicants were advised that "the specification is incorrect." This Office action set a one-month period for reply. Applicants timely filed the first petition on July 16, 2003, asserting that the Office erroneously switched the copy of the co-pending application with the application papers for the instant application.

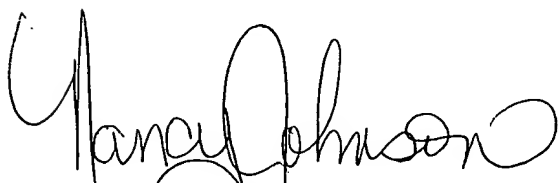
By decision mailed December 10, 2004, the initial petition was dismissed, although it was determined that a new specification

and drawings were among the papers filed on July 13, 2001. It was requested that applicants submit a true copy of the specification, claims and drawings as applicants intended them to be filed on July 13, 2001, and any Information Disclosure Statement or any other application papers filed on that date.

With this second petition, applicants have submitted the original application papers as they intended them to be filed on July 13, 2001. More specifically, applicants have distinguished the specification, claims and drawings in this application as filed on July 13, 2001 from the copies of the co-pending application submitted on July 13, 2001.

The application is being returned to Technology Center AU 2143 for further action in light of this decision, for consideration of the response to Office action in the form of the specification supplied on February 8, 2005.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions